

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Derrick H. Garner Select Portfolio Servicing, Inc. vs. Derrick H. Garner Scott F. Waterman		Debtor(s) Movant Debtor(s) Trustee CHAPTER 13 NO. 20-14681 AMC 11 U.S.C. Section 362
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**MOTION OF SELECT PORTFOLIO SERVICING, INC.
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Select Portfolio Servicing, Inc.
2. Debtor(s) is the owner(s) of the premises 5127 Arbor Street, Philadelphia, PA 19120, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$57,816.00 on the mortgaged premises that was executed on August 31, 1992 . The mortgage has been assigned as follows:

JPMorgan Chase Bank, National Association to Select Portfolio Servicing, In., dated 9/30/2020; recording is pending with county.
4. Scott F. Waterman, is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Select Portfolio Servicing, Inc. services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Select Portfolio Servicing, Inc. Said entity has the right to foreclose by virtue of being the owner and holder of the note. The promissory note is either made payable to said entity or has been duly endorsed.

6. Debtor(s) has failed to make the monthly post-petition mortgage payments in the amount of \$706.78 each for the months of January 2021 through April 2021 as of April 5, 2021.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is **\$2,827.12** as of April 5, 2021 (plus attorney's fees & costs).

9. As of April 1, 2021, the total payoff due on the mortgage is \$79,394.56.

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esq.

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